

## United States District Court

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

SERGIO RAMOS-GARCIA,  
a/k/a Carlos Franco-Sigala

Venue: San Francisco

CRIMINAL COMPLAINT

CASE NUMBER:

FILED  
SEP 07 2007RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

3 07 70527

EDL

I, the undersigned complainant being duly sworn, state the following is true and correct to  
the best of my knowledge and belief. On or about July 30, 2007 in San Mateo County, in the  
Northern District of California defendant(s) did,

having previously been denied admission, excluded, deported, or removed, enter, attempt to enter, or be found at any time in the  
United States, and the Attorney General or Secretary of Homeland Defense did not expressly consent to a reapplication by the alien for  
admission into the United States.

in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Deportation Officer and that this complaint is based on the  
Official Title  
following facts:

See Attached Affidavit, Incorporated And Made A Part Hereof.

**PENALTIES:** Class E Felony, Imprisonment for not more than two (2) years and/or a fine of not more than two  
hundred fifty thousand (\$250,000.00) dollars, a one-hundred (\$100.00) dollar special  
Assessment, one (1) year supervised release, potential deportation.

APPROVED AS TO FORM: Denise Marie Barton  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No  
Bail Amount: NO BAIL

[Signature]  
Signature of Complainant

Sworn to before me and subscribed in my presence,

Sept 7, 2007 at San Francisco, California  
Date City and State

Honorable Elizabeth D. Laporte  
United States Magistrate Judge

Name & Title of Judicial Officer

[Signature]  
Signature of Judicial Officer



1996; and at Nogales, Arizona on October 3, 2003, July 31, 2003, March 6, 2003, February 27, 2001 and July 25, 1997.

5. On July 30, 2007, Immigration and Customs Enforcement Officers were contacted by officers at the San Mateo County Jail advising that RAMOS-GARCIA had been arrested by the Redwood City Police Department on July 28, 2007. On July 30, 2007, an Immigration Detainer was placed on RAMOS-GARCIA.

6. On August 23, 2007, I interviewed RAMOS-GARCIA at the Bureau of Immigration and Customs Enforcement District Office in San Francisco, California. After he was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, RAMOS-GARCIA waived his rights and provided a sworn statement in which he admitted that he was a citizen of Mexico and that he had been previously deported. According to RAMOS-GARCIA, he last entered the United States illegally by crossing the international border on or about May 1, 2007 at or near San Ysidro, California without first having obtained the consent of the Attorney General of the United States or United States Secretary of Homeland Security. This interview was witnessed by Immigration Enforcement Agent Danielle Lawton.

7. On August 27, 2007, the Federal Bureau of Investigation (FBI) Special Processing Center confirmed that the fingerprints submitted from RAMOS-GARCIA's fingerprint card taken August 23, 2007; his Sworn Statement dated August 23, 2007; and his Warrants of Deportation dated October 2, 1996, July 25, 1997, February 27, 2001, March 6, 2003, July 31, 2003, October 3, 2003, October 28, 2003, November 23, 2003, January 25, 2004, January 28, 2004, March 25, 2004, April 1, 2004, April 28, 2004 and October 29, 2004 are all identical to each other and to the fingerprints on file with the FBI, FBI number 690004VA2.

8. There is no indication in the official files of the United States Bureau of Immigration and Customs Enforcement that the defendant has applied for, or been granted the requisite permission to re-enter the United States from either the Attorney General of the United States or the Secretary for Homeland Security. Further, in his sworn statement RAMOS-GARCIA stated that he had not applied to the Attorney General or Secretary of Homeland Security for permission to re-enter the United States after deportation.

III. CONCLUSION

9. On the basis of the above information, I submit that there is probable cause to believe that SERGIO RAMOS-GARCIA a/k/a Carlos Franco-Sigala, illegally reentered the United States following deportation without permission to re-enter the United States from the Attorney General or Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326.

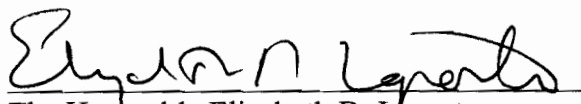


Polly D. Kaiser

Deportation Officer U.S. Department of Homeland  
Security

U.S. Immigration and Customs Enforcement  
San Francisco, California

Subscribed and sworn to before me this 7 day of September 2007.



The Honorable Elizabeth D. Laporte

United States Magistrate Judge  
Northern District of California  
San Francisco, California